

Exhibit E



remy green <remy@femmelaw.com>

In re New York City Policing During Summer 2020 Demonstrations, 1:20-CV-8924 (CM) (GWG) - Deficiency Letter in Advance of Meet and Confer

Weiss, Dara (Law) <daweiss@law.nyc.gov>

Wed, May 26, 2021 at 9:33 AM

To: remy green <remy@femmelaw.com>

Cc: "Jacobs, Elissa (Law)" <ejacobs@law.nyc.gov>, Sow-Legal <Sow-Legal@blhny.com>, Wylie Stecklow <wylie@wylielaw.com>, "paynelitigationteam@nyclu.org" <paynelitigationteam@nyclu.org>, Doug Lieb <dlieb@klflaw.com>, Andrew Stoll <astoll@stollglickman.com>, AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>, "sierrateam@moskovitzlaw.com" <sierrateam@moskovitzlaw.com>, Travis England <Travis.England@ag.ny.gov>

Good morning Remy,

I thought we agreed at the meet and confer not to provide a formal written response, since we were having such a productive conversation. Nonetheless, thanks for confirming.

And yes, I am in agreement with your recollection of the agreements reached and the next steps for both sides.

Rather than a written response to the balance of your letter, I also thought we were simply going to meet again and continue our discussions as we did last Friday, which I'd still like to do. Your side was going to provide me with available days/times, hoping for a morning, but understanding that may not be possible. I can now tell you that I am no longer available today, tomorrow morning or Friday, but I can speak tomorrow between 12:30 and 2, or again between 3:30 and 5:30

Re: timing on providing updated responses, I will endeavor to get that to you by Friday. I'm working on it now, but as I'm sure you can imagine, I'm having trouble finding a large block of time to dedicate to it, so it's getting done in drips and drabs. If it's not done by Friday, I should be able to have it to you by Tuesday

Finally, we began our discussion with our client on Monday re: the time frames, but the conversation needs to go further, so we have not yet reached a resolution. I can tell you now that we will be providing documents for a broader timeframe than originally indicated, but the parameters have not yet been decided. We are also looking further into the "HIPPA" issues and providing medical documentation for injured officers. This may take some time, as a number of individuals have to spoken to. But it is being worked on. Finally, the TARU footage is ready, and I will have it sent right away.

Best,

Dara

Dara L. Weiss

Senior Counsel

New York City Law Department

Special Federal Litigation

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New York, NY 10007

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Daweiss@law.nyc.gov

From: remy green [mailto:remy@femmelaw.com]

Sent: Tuesday, May 25, 2021 8:54 PM

To: Weiss, Dara (Law)

Cc: Jacobs, Elissa (Law); Sow-Legal; Wylie Stecklow; paynelitigationteam@nyclu.org; Doug Lieb; Andrew Stoll; AG-NYPDLitigation; sierrateam@moskovitzlaw.com; Travis England

Subject: Re: In re New York City Policing During Summer 2020 Demonstrations, 1:20-CV-8924 (CM) (GWG) - Deficiency Letter in Advance of Meet and Confer

Hi Dara,

Hope you had a good weekend. Having discussed on our side, we decided we don't think there is any need for a formal letter follow-up -- but if you would, please confirm we all agree on the description of our agreement at the meet and confer earlier in this thread (or provide any clarifications/disagreements you may have).

Similarly, given that you've agreed to revisit all of your objections to clarify exactly which objections led to any of (1) a refusal to provide information/responses; (2) a narrowing of the scope of any request (and what narrowing you applied); or (3) withholding of any documents, we think waiting for those responses -- along with your written response to the balance of our letter, to the extent you still intend to provide one -- might be wise before we meet again. Can you please let us know when we can expect that? Initially, we would ask if you could get us this update by Friday, but we are open to a counter-proposal.

Finally, you mentioned you were having a meeting with your client on Monday. Can we get an update on the list of issues you agreed to clarify your position on?

Yours,

Remy.

J. Remy Green

Partner

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1639 Centre St., Ste. 216	Ridgewood (Queens), NY 11385



On Fri, May 21, 2021 at 4:32 PM remy green <remy@femmelaw.com> wrote:

Hi Dara,

Thanks for what I think we all feel was a very productive meet and confer. This email is meant to quickly commemorate our initial to-do lists, while we will put together a more formal summary by early next week. Please let me know if I have gotten anything wrong, or something is not quite how you remember it.

On Plaintiffs' side, here is our to-do:

1. Prepare a proposed 160.50 order;
2. Set up a meeting with Anthony on ESI search terms and other ESI related things;
3. Going forward, we will send screenshots/timestamps/other information on officers we see in various video footage who we want you to identify; and
4. Plaintiffs will suggest a date next week for a continued meet and confer.

And, on Defendants' side:

1. Apropos of our discussion of Request 1, Defendants will go back and revise responses to each demand, indicating whether and exactly what documents will be withheld, and if so, based on what specific objections;

2. Defendants will start making weekly (on a day of the week TBD) productions of whatever documents have been reviewed, with a privilege log accompanying the production and a note if the Defendants are withholding anything they reviewed based on an objection besides privilege, as that will be logged;
3. Defendants will provide a clarified position on what time frames (or other categorical objections based on time) they will be objecting to producing documents for;
4. Defendants will provide a clarified position on records related to non-party and officer injuries and exactly what universe of documents they intend to withhold based on HIPAA objections;
5. Defendants will update their responses to Requests 26-29, based on our explanation that we were seeking documents that show how Defendants reacted to the proceedings in various cases, communications about the results, discipline related to the cases, etc.;
6. Defendants will update their responses to Requests 32-34, to indicate whether divisions outside of the NYPD Intelligence Bureau have responsive documents;
7. Defendants will produce an unredacted version of the Incident Commander attachment to the interrogatory responses, and will update us (in keeping with item 3) on whether they will provide similar information for the rest of the Schedule A protests;
8. Defendants will provide us an update on TARU footage (which you already sent an email about!); and
9. Defendants will update their response to Request 36(c), (d), and (e), indicating what documents they will produce (and make corresponding updates to Requests 37 and 38).

Finally, we also reached an understanding that under no circumstances will Defendants agree to produce any documents related to the RNC or World Economic Forum (e.g., parts (a) and (b)) in response to Requests 36, 37, and 38, and if we want those documents, we will need to go to the Court.

Hope you have a good weekend, and looking forward to keeping this moving.

Yours,

Remy.

J. Remy Green

Partner

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On Tue, May 18, 2021 at 3:17 PM remy green <remy@femmelaw.com> wrote:

Hi Dara,

While we would prefer to meet both times that had on the calendar -- and as I indicated in my last email, we're happy to do the parsing you describe -- we cannot force you to join us. We do strongly believe that the parties have to get moving in discovery and with it, the meet and confers.

So, while we do not think that meeting and conferring on Thursday would be anything other than extremely productive, as you are only willing to commit to Friday at this point, we look forward to speaking then.

Yours,

Remy.

J. Remy Green

Partner

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On Mon, May 17, 2021 at 6:38 PM Weiss, Dara (Law) <daweiss@law.nyc.gov> wrote:

Remy,

We don't not think that going forward with a partial meet and confer is a good use of our limited time. Nor do we believe that responding to your first, partial letter, then having to go back at a later time and go through your second letter to parse out the points that we haven't yet responded to is in any way practical.

That being said, I'll get through as much as I can by Friday, and let's keep Friday's meet and confer on the calendar, but cancel Thursday's.

~Dara

From: remy green [mailto:remy@femmelaw.com]

Sent: Monday, May 17, 2021 3:39 PM

To: Weiss, Dara (Law)

Cc: Jacobs, Elissa (Law); Sow-Legal; Wylie Stecklow; paynelitigationteam@nyclu.org; Doug Lieb; Andrew Stoll; AG-NYPDLitigation; sierrateam@moskovitzlaw.com; Travis England

Subject: Re: In re New York City Policing During Summer 2020 Demonstrations, 1:20-CV-8924 (CM) (GWG) - Deficiency Letter in Advance of Meet and Confer

Hi Dara,

We do not see the need for delay in our initial meeting on these issues, especially given the schedule that has been set in this case. We sent you our initial letter last Monday that set forth a number of

deficiencies that we view as important for the parties to begin discussing as soon as possible.

We intend to keep our scheduled meet and confers later this week, to work through what we can, and we have included below a link to a Zoom meeting (and I will send separate calendar invites shortly). We ask that we meet and suggest that we focus on the objections you already suggested you were prepared to withdraw based on the first letter, and then perhaps there is less written work for your team anyway -- which seems to us to be a win/win. Similarly, if you feel the need to write something, you can just respond to the initial letter. That may address some issues from our longer letter, and save your team -- we hope, a fair amount of -- work (and we would even be happy to indicate which portions of yesterday's letter are addressed by specific concessions).

We look forward to conferring on these issues with you soon.

Yours,

Remy

Topic: Meet and Confer In Re 2020 NYPD Summer Protest Policing
Time: May 20, 2021, 10:00 AM ET; May 21, 2021, 10:00 AM ET

Join Zoom Meeting

<https://fordham.zoom.us/j/81906830724?pwd=TjJFQ2ZmRCthYXJ2K0E4ZFVTZmRDZz09>

Meeting ID: 819 0683 0724

Passcode: M&C

J. Remy Green

Partner

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On Mon, May 17, 2021 at 10:16 AM Weiss, Dara (Law) <daweiss@law.nyc.gov> wrote:

Counselors:

Thanks so much for your 36-page, extensive, extremely detailed, caselaw-heavy letter. As it was only received at 9 pm Sunday night, and I did not see it until the start of business on Monday, there is no way I will be able to have a written response by the close of business on Tuesday. Had I known how long and comprehensive your letter would have been, I would have told you I would have needed more time to respond. Now that I have your exhaustive letter, it has become clear that I will need until the end of this week to formulate a full and complete response.

As such, I will provide a written response by the close of business on Friday, May 21, and we will need to postpone any telephone calls until next week. I will provide my availability for a meet-and-confer later this week.

Best,

Dara

From: remy green [<mailto:remy@femmelaw.com>]

Sent: Sunday, May 16, 2021 9:06 PM

To: Weiss, Dara (Law)

Cc: Jacobs, Elissa (Law); Sow-Legal; Wylie Stecklow; paynelitigationteam@nyclu.org; Doug Lieb; Andrew Stoll; AG-NYPDLitigation; sierrateam@moskovitzlaw.com; Travis England

Subject: In re New York City Policing During Summer 2020 Demonstrations, 1:20-CV-8924 (CM) (GWG) - Deficiency Letter in Advance of Meet and Confer

Hi Dara,

I'm starting a new thread, but this email is following up on Wylie's email on Friday. Attached is the more complete deficiency letter Wylie discussed.

We look forward to speaking on Thursday from 10:00 am to 1:00 pm and Friday from 10:00 am to noon.

Yours,

Remy.

J. Remy Green

Partner

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